

1 Thomas M. Moroughan

2 determination, from the odor of the alcohol,
3 that he was not sober?

4 A I made the determination that he
5 was not sober by the way he was driving and
6 the aggressiveness of his driving and the
7 aggressiveness of his behavior.

8 And then he confirmed my
9 determination when I smelled nothing but booze
10 on him when he was beating the piss out of me.

11 Q When you say aggressive driving,
12 have you ever seen aggressive drivers who were
13 not intoxicated?

14 A Yes.

15 Q Okay. Have you ever driven
16 aggressively?

17 A Yes.

18 Q Were you intoxicated?

19 A No.

20 Q Have you ever spoken with anybody
21 who witnessed the events that occurred at
22 Oakwood and Tippin, other than Ms. Mondo?

23 A No.

24 Q During your struggle with Officer
25 DiLeonardo in -- while you were still sitting

Thomas M. Moroughan

inside your car, Officer DiLeonardo never fired any shots inside the car during that struggle, correct?

A While he was inside the car is what you're saying?

Q Right.

A No.

Q That's correct?

A Correct.

Q On February 27th, 2011, during that entire day, you were not even aware of the existence of the Deadly Force Response Team; is that fair to say?

A Correct.

Q The tattoos that you got done to your arm and your chest, how much did they cost?

A I don't remember.

Q Did you pay for them?

A I believe so.

Q Do you have any recollection, was it -- I have no idea what a tattoo costs. Was it \$20? Was it \$300? I don't know.

A They're small. I don't want to

Thomas M. Moroughan

guess. Approximately I would say somewhere around a hundred dollars, approximately.

Q A hundred dollars each?

A For the two.

Q Did you pay cash?

A I don't recall.

Q On February 27, 2011 is it fair to say you were treated and released from Huntington Hospital?

MR. GRANDINETTE: Objection; asked and answered.

MR. SCHROEDER: Not by me.

A Yes.

Q You mentioned that -- are you aware of any physical disability that you have now as a result of the two gunshot wounds that you have?

A Just I have a little trouble squeezing.

Q When you say "a little trouble squeezing," tell me about that?

A I can crush this bottle with this hand. And I can squeeze it but not crush it with this hand. So I don't have the same

Thomas M. Moroughan

power.

Q You're right-handed?

A Yes.

Q Okay. Is there anything --

MR. GRANDINETTE: I'm sorry.

For the record, the witness
picked up the plastic Gatorade bottle,
squeezed it with his right hand and with
his left hand.

I apologize.

MR. SCHROEDER: That's quite all
right.

What was my last question?

(Record read.)

BY MR. SCHROEDER:

Q Is there anything that you
physically can't do now that you could do
before this incident?

A No. Not that I'm aware of.

Q You're not claiming any type of
physical disability as a result of this
incident; is that fair to say?

1 Thomas M. Moroughan

2 A Yes.

3 Q You mentioned that you now have
4 Medicaid?

5 A Yes.

6 Q You mentioned maybe a couple of
7 hundred dollars out-of-pocket expenses with
8 respect to the treatment here, correct?

9 A Yes.

10 Q You don't have any other
11 outstanding bills; is that right? With
12 respect to -- with respect to any injuries
13 you're claiming here.

14 A Outstanding bills, yes.

15 Q What outstanding bills do you
16 have?

17 A Some of the doctors from the
18 emergency room, I have bills from them. That
19 is on my credit.

20 Q Do you have any idea how much you
21 owe?

22 A A few thousand.

23 Q A few thousand. Do you know how
24 many?

25 A No. It could be anywhere from

1 Thomas M. Moroughan

2 \$10,000, \$20,000. I am not sure.

3 Q When you say a few, could it be
4 as few as \$2,000?

5 A No. I believe it was more than
6 that.

7 Q What's your recollection of how
8 much you think you owe?

9 A 10,000-20,000.

10 MR. GRANDINETTE: Don't guess.

11 Q Is that a guess or you know?

12 A I believe it was between --
13 somewhere between that. I don't want to give
14 a number.

15 Q Do you have any bills at home?

16 A I might.

17 Q When was the last time you
18 received a bill from Huntington Hospital?

19 A A while ago.

20 Q So nobody has been calling you to
21 pay the bills; is that fair to say?

22 A Yes.

23 MR. GRANDINETTE: If you leave a
24 spot in the record we'll provide any
25 outstanding bills.

Thomas M. Moroughan

TO BE FURNISHED: _____

BY MR. SCHROEDER:

Q You mentioned yesterday, you were talking about you being diagnosed as bipolar. You were being asked how it manifested itself and you said you had some behavioral issues.

Can you tell me what the behavioral issues were?

MR. GRANDINETTE: I'm going to renew my objections that I put on the record yesterday regarding the preservation of physician/patient privilege.

I am going to allow you to continue subject to that objection.

BY MR. SCHROEDER:

Q Okay. Would you tell me what kind of behavioral issues you had?

A I was 13.

Q I don't know what that means.

A I was 13. I was taken away from my family. I tried to run away.

Q So runaway --

1 Thomas M. Moroughan

2 MR. SCHROEDER: I'm going to move
3 to strike the portions unresponsive.

4 ---

5 (Motion to Strike)

6 ---^

7 BY MR. SCHROEDER:

8 Q I'm just asking you what your
9 behavioral issues were.

10 Runaway would be one of them?

11 A Yes. Runaway would be one of
12 them.

13 Q Did you get into fights?

14 A Yes.

15 Q You had some anger issues over
16 what was going on?

17 A No.

18 Q So you weren't angry at all about
19 your situation in life?

20 A Well, since I'm not allowed to
21 discuss my situation in life on the record --

22 MR. GRANDINETTE: No --

23 MR. CLARKE: You're allowed to.

24 MR. GRANDINETTE: We're going to
25 take two minutes, please.

1 Thomas M. Moroughan

2 MR. SCHROEDER: I have to have
3 him answer the question.

4 MR. GRANDINETTE: I think he did.

5 MR. MITCHELL: No.

6 MR. GRANDINETTE: You can -- what
7 I want you to do is take a deep breath.
8 Read the question back, please.

9 ---

10 (Record read.)

11 ---

12 MR. GRANDINETTE: I object to the
13 form of the question. I think it's been
14 asked and answered. There's no time
15 reference on it.

16 Are you referring to the time he
17 was 13 and in the home?

18 MR. SCHROEDER: No.

19 BY MR. SCHROEDER:

20 Q I'm referring to, were you ever
21 angry at your situation?

22 MR. GRANDINETTE: In what time
23 frame?

24 MR. SCHROEDER: During his time
25 when he was describing that he had

1 Thomas M. Moroughan
2 behavioral issues.

3 MR. GRANDINETTE: Can we take a
4 recess and then you can ask him whatever
5 you need to ask him?

6 MR. SCHROEDER: Yes.

7 ---

8 (A recess was taken.)

9 ---

10 MR. SCHROEDER: Okay. Back on
11 the record.

12 BY MR. SCHROEDER:

13 Q You've had a break,
14 Mr. Moroughan?

15 A Yes.

16 Q Is it fair to say when you left
17 here just now you were angry?

18 MR. GRANDINETTE: Objection.

19 A I was upset.

20 Q And yesterday we agreed, you said
21 that upset is angry; fair to say?

22 MR. GRANDINETTE: Objection.

23 You can answer.

24 A Yes.

25 Q When you walked out of here and

1 Thomas M. Moroughan
2 walked down the hall you cursed out loud in
3 the lobby; is that correct?

4 MR. GRANDINETTE: Objection.

5 A Yes.

6 Q You used a derivative of the term
7 "fuck"?

8 MR. GRANDINETTE: Objection.

9 Q Or "fucking"?

10 A Yes.

11 Q In any of your treatment with
12 counselors, psychologists or psychiatrists,
13 prior to your current treatment, have you ever
14 been told that you had anger issues?

15 MR. GRANDINETTE: Objection
16 with respect to the psychiatrist
17 privilege.

18 Subject to that, you can answer.

19 A Not that I can remember.

20 Q We were talking about behavioral
21 issues just before the break, and you had
22 mentioned that you had gotten into some
23 fights; is that right?

24 A Yes.

25 Q And did you ever have any -- what

Thomas M. Moroughan

other type of behavioral issues did you have?

MR. GRANDINETTE: Objection. I'd just ask, if you could, to please put a time frame.

Are we talking about his stay at Saint Mary's when he was 13, in between that time frame?

BY MR. SCHROEDER:

Q You were at Saint Mary's for how long?

A Almost four years.

Q Almost four years?

A Yes.

Q And where were you after that?

A Group home.

Q What was the name of the group home?

A Lakeview House.

Q How long were you at Lakeview House?

A Just over a year.

Q Did you have any behavioral issues at Lakeview House?

A No.

1 Thomas M. Moroughan

2 Q While you were at Lakeview
3 House -- I don't mean while you were -- during
4 that year that you were living there, were you
5 ever arrested?

6 A No.

7 Q Mr. Moroughan, you seem upset.
8 Would you like to take a few minutes? Because
9 there's no problem. Why don't we take a few
10 minutes. Why don't we take fifteen minutes
11 and relax. Okay? Take a break.

12 MR. GRANDINETTE: Are you ready
13 to continue?

14 THE WITNESS: Yes.

15 BY MR. SCHROEDER:

16 Q When you were at Saint Mary's,
17 during those years were you ever arrested by
18 the police?

19 A No.

20 Q You indicated that the therapist
21 you're seeing now, Ms. Freed -- has she ever
22 given you any kind of diagnosis?

23 A No.

24 Q And you mentioned a psychiatrist.
25 Tell me the psychiatrist's name?

1 Thomas M. Moroughan

2 A Dr. Mitra.

3 Q Has he given you any kind of
4 diagnosis?

5 MR. GRANDINETTE: Objection;
6 privileged.

7 Subject to that exception.

8 THE WITNESS: I can answer?

9 MR. GRANDINETTE: Yes, you can
10 answer.

11 A Yes.

12 Q What diagnosis?

13 A PTSD.

14 Q What does that stand for?

15 A Posttraumatic stress disorder.

16 Q Did the doctor tell you why he
17 believes you have that?

18 A Yes.

19 Q Why does he believe you have
20 that?

21 A My anxiety. The nightmares. My
22 fear of cops. The fact that I am -- the
23 hypervigilance.

24 Q Have you had any negative
25 experience with the police since this

1 Thomas M. Moroughan

2 shooting? Have you had any interactions with
3 police officers that were negative?

4 MR. GRANDINETTE: Personal
5 interaction?

6 MR. SCHROEDER: Yes.

7 A What do you mean by "negative,"
8 I'm sorry?

9 Q Well, for instance, you indicated
10 that you had that -- you were stopped by a
11 police officer who didn't give you a ticket
12 for the failure to yield.

13 What other interactions have you
14 had with police officers since February 27,
15 2011?

16 A I've had the cops at my house a
17 few times.

18 When my fiancée's grandfather
19 passed away in the house there, it was a
20 negative experience.

21 Most of the time I try to avoid
22 it whatsoever. If I see a cop car parked
23 outside a gas station, I will go to the next
24 one. I just -- I don't want to necessarily
25 have to deal with the police.

1 Thomas M. Moroughan

2 Q In your job as a cab driver when
3 you're around the streets of Huntington have
4 you had any negative experiences with police
5 officers?

6 A No.

7 Q How does your posttraumatic
8 stress disorder manifest itself? What
9 happens?

10 A You know, sometimes I'm driving,
11 I see a cop car behind me, it makes me really
12 nervous, so my anxiety kicks in.

13 Q You're still able to drive?

14 A Yes.

15 Q Nothing that makes it unsafe for
16 you to drive at that point? When you say
17 "anxiety," it doesn't affect your ability to
18 operate the car safely?

19 A No.

20 Q That's correct?

21 A Yes.

22 Q How else does it manifest itself?

23 A The hypervigilance.

24 Q Tell me what you mean by that?

25 A If I hear a noise -- I have a

Thomas M. Moroughan

really hard time sleeping. If I hear a noise in the middle of the night, I have to go check it out. I have to make sure that it's not somebody breaking into my house. I have to make sure that it's not somebody in my driveway.

Q You had an incident, you said, where the police had to come to your house.

Was it somebody in your backyard, did you say?

A Yes.

Q Did you call the police?

A No. Kristie's aunt called the police.

Q You were home?

A Yes.

Q Did you see somebody in the backyard?

A Yes.

Q Did you have any kind of confrontation with that person?

A No.

Q Who was in the backyard? A male, a female?

1 Thomas M. Moroughan

2 A It was a male.

3 Q What was he doing?

4 A He was stealing lawn chairs. He
5 was there -- he came back a few times.

6 Q Was it like the middle of the
7 night, the day?

8 A Middle of the night.

9 Q You saw him?

10 A Yes.

11 Q And were you glad that the aunt
12 called the police? Was that appropriate, did
13 you feel?

14 A That she called the police?

15 Q Yes.

16 A Yes.

17 Q Did the police come and
18 investigate?

19 A Yes.

20 Q Did you have any interaction with
21 the police officers?

22 A Yes.

23 Q Were they courteous to you?

24 A Yes.

25 Q You didn't have any problems with

1 Thomas M. Moroughan

2 the police then, during that interchange?

3 A No. I knew the officer who came.

4 Q Only one officer came?

5 A Two. They were partners.

6 Q You didn't have any problems with
7 either of those officers during that exchange?

8 A No.

9 Q Did the police officers come more
10 than once to the house?

11 A No.

12 MR. GRANDINETTE: Thank you for
13 answering my questions.

14 MR. CLARKE: Three very short
15 questions.

16 FURTHER EXAMINATION

17 BY MR. CLARKE: ^

18 Q Mr. Moroughan, I meant to ask you
19 this before.

20 Regarding your Godmother, Risco,
21 the woman you were calling out for and saying
22 was your lawyer, in your life has she ever
23 represented you in any capacity as a lawyer?

24 A No.

25 Q Did you, as a result of the

Thomas M. Moroughan

events of February 27th, ever file a Workers' Compensation claim through Dobro?

A No.

Q You talked yesterday about the handheld push-to-talk device that you used to communicate with your dispatch?

A Correct.

Q Was that itself a cell phone or did you have -- was that separate from a cell phone?

A It was a cell phone.

Q With that feature on it?

A Yes.

Q Fair to say that if you wanted to make a phone call you could have made a phone call with that same device?

A I'm not sure if it was set up for calling. I know that it had buttons. It was set up to --

Q Regardless of what that machine could do, did you have a cell phone with you on February 27th, 2011?

A Yes.

Q And your girlfriend did as well,

Thomas M. Moroughan

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correct?

A Yes.

Q There were two cell phones in the car, right?

A Yes.

Q So you said yesterday that when you saw these cars go by you and cutting you off, you were concerned for not only your safety but that of the other motorists on the road, right?

A Yes.

Q Did either you or your girlfriend using your cell phones call the police and alert them to some reckless drivers on that road?

A No.

Q And when you pulled over -- you saw them stopped on the side of the road and you pulled over to talk to them, did you ask if they were okay?

A No.

Q Did you ask if they needed help?

A No.

Q Did you ask if they were lost?

1 Thomas M. Moroughan

2 A No.

3 MR. GRANDINETTE: Off the record,
4 that's nine questions.

5 MR. CLARKE: Three subjects.

6 BY MR. CLARKE:

7 Q Did you ever tell the owner of
8 Dobro, the fellow named Dennis, that when
9 these cars cut you off you got really angry?

10 A No.

11 Q Back in 2011 how long had you
12 known Kristie?

13 A A little over four years.

14 Q In your opinion, regarding your
15 relationship, did you feel she knew you pretty
16 well?

17 A Yes.

18 Q At that point in your life did
19 anyone know you better than her?

20 MR. GRANDINETTE: Just 2011 or
21 2014?

22 MR. CLARKE: 2011.

23 A Risco would probably be the only
24 one.

25 Q Risco would be the only person

1 Thomas M. Moroughan

2 that knew you better than Kristie?

3 A Risco and Pastor Joe.

4 Q Did you and Kristie at that time
5 back in 2011 have the kind of relationship
6 where you'd kind of finish each other's
7 sentences and kind of knew --

8 MR. GRANDINETTE: Objection;
9 form.

10 A What do you mean by "finish"?

11 Q I will rephrase the question.
12 Did you feel that she understood
13 you?

14 A Yes.

15 MR. CLARKE: Thank you.

16 MR. GRANDINETTE: Thank you.

17 MR. MITCHELL: I have one
18 question.

19 MR. GRANDINETTE: Okay.

20 FURTHER EXAMINATION

21 BY MR. MITCHELL: ^ Note page

22 Q Between yesterday and this -- up
23 to this point, did you have any conversations
24 with Kristie Mondo about the content of your
25 testimony yesterday?

Thomas M. Moroughan

A No.

Q Did you speak to her at all about
your deposition yesterday?

MR. GRANDINETTE: That's two
questions.

MR. MITCHELL: That's a lawyer
thing, you know that.

A Yes.

Q Briefly, what did you say to her
and what did she say to you about the
deposition yesterday?

A That it was long as hell. The
exact words probably.

Q Anything else?

A No.

MR. MITCHELL: Thank you.

MR. GRANDINETTE: Okay.

(Time Noted: 12:00 p.m.)

Thomas M. Moroughan

A C K N O W L E D G E M E N T

STATE OF NEW YORK)
 : ss
COUNTY OF)

I, THOMAS MOROUGHAN, hereby certify
that I have read the transcript of my
testimony taken under oath in my deposition of
January 20 & 21, 2015; that the transcript is
a true, complete and correct record of my
testimony, and that the answers on the record
as given by me are true and correct.

THOMAS M. MOROUGHAN

Signed and subscribed to before
me, this day
of , 2015.

Notary Public, State of New York

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-----I N D E X-----

| WITNESS | EXAMINATION BY | PAGE |
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| THOMAS MOROUGHAN | MR. MITCHELL | 6 |
| | MR. SCHROEDER | 250 |
| | MR. CLARKE | 368 |
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DIRECTIONS: Not to answer by Mr. Grandinette
PAGES 30, 301, 304, 398.

MOTIONS: None

RULINGS: None

-----DOCUMENT REQUEST-----

HIPPA release for Pederson-Krag
records.

Digital copies of photos on cell
phone.

Authorization for release of
Plaintiff's Records of residency at
St. Mary's.

Authorization for Plaintiff's SUNY

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Farmingdale records.

HIPPA authorization for all
Pederson-Krag records.

Authorization directing Town of
Huntington to release Plaintiff's
hack license file/records.

Authorization for Mediacenter
records.

Authorization for Plaintiff's
employment records at Orange &
White.

Authorization for Plaintiff's
employment records at Klis
Brothers.

Copy of Medicaid card.

Authorizations for Plaintiff's
Medicaid records, claims history

and billing history.

-----INFORMATION TO BE FURNISHED-----

Any corrections to Notice of Claim.

Name and last known address of
owner of Dobro Taxi.

Name of vascular surgeon

Amount of outstanding treatment bills.

-----EXHIBITS-----

COUNTY OF SUFFOLK DEFENDANTS' FOR I.D. PAGE

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NASSAU COUNTY DEFENDANTS' FOR ID

| | | |
|---|--------------------------------------|--|
| A | Doctor's note of Dr. German, 6/23/11 | |
|---|--------------------------------------|--|

C E R T I F I C A T E

STATE OF NEW YORK)

) ss.:

COUNTY OF NASSAU)

I, RICH MOFFETT, a Notary Public
within and for the State of New York, do
hereby certify:

That THOMAS M. MOROUGHAN, the
witness whose deposition is hereinbefore
set forth, was duly sworn by me and that
such deposition is a true record of the
testimony given by such witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage; and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 21st day of
January, 2015.



RICH MOFFETT

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